

**IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO**

**STATE EX REL.
COLUMBUS CITY ATTORNEY
ZACH KLEIN**
375 South High Street, 17th Floor
Columbus, Ohio 43215

Plaintiff,

v.

DWS RE HARMON SQUARE, LLC
c/o Terence L. Gallagher
8740 Orion Place, Ste. 200
Columbus, OH 43240

and

WARREN DORELIEN
3372 Homecroft Drive
Columbus, Ohio 43224

and

MATTHEW KYBA
885 South Third Street
Columbus, Ohio 43206

and

UNKNOWN TENANTS OF
754 Harmon Avenue
Columbus, Ohio 43223

and

OHIO STATE BANK
P.O. Box 91117
2106 East Main Street
Bexley, Ohio 43209

and

CHERYL BROOKS SULLIVAN

Case No. **23 EVH 060135**

Judge Stephanie Mingo

FRANKLIN COUNTY TREASURER

373 South High Street, 17th Floor
Columbus, Ohio 43215

and

REAL PROPERTY AT
742-760 HARMON AVENUE
742-760 Harmon Avenue
Columbus, Ohio 43223

Respondents-Defendants.

Parcel Nos. 010-028551
010-011642

TEMPORARY RESTRAINING ORDER

This matter came before the Court on March 8, 2023, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-Defendants are owners and/or person in charge, care or control of the property located at 742-760 Harmon Avenue, Columbus, Ohio, Parcel Nos. 010-028551 and 010-011642 ("the Premises"). On information and belief, Relator asserts the following:

The Premises is operated as a lounge, bar, and grill inside a commercial structure located on the west side of the City of Columbus in the Hilltop neighborhood.

1. The Premises is a small commercial park location in South Franklinton. The primary structure that is the subject of the case is a commercial structure that fronts onto Harmon Avenue.
2. There is no liquor permit assigned to the Premises.

3. Officers have been advised that the Premises has been the site of complaints of loud music, shots fired, traffic and parking issues, as well as drunk drivers.
4. One of the first events promoted at the Premises advertised a "BYOB" event on January 14, 2023, and appeared to operate under the business name "The Underground." The event listed a \$60.00 "tip-in" for entry (*Exhibit C*).
5. Respondent-Defendant Warren Dorelien posted multiple events on his social media page advertising events at the Premises including an event on January 28, 2023 ("Exhibit D") starting at 2:00AM.
6. Multiple "Babe & Cars", events were advertised (*Exhibits E and F*), which state that the event occurs every Thursday night at the Premises from 10:00PM-2:00AM.
7. Officer Welke and Sgt. Knox were advised throughout the month of February 2023, an after-hours club was being operated at 754 Harmon Avenue on Thursday, Friday, and Saturday late night (early morning) hours.
8. On February 11, 2023, at 4:30AM, a victim called CPD to report her vehicle had been broken into at the "After-Hours" location. The report indicates that the property stolen was a handgun.
9. On February 11, 2023, at 2:00AM, a victim reported to CPD that her vehicle had been broken into at the "After-Hours" club and that a felony amount of property had been stolen from her vehicle.
10. On February 26, 2023, at 2:23, CPD officers were dispatched to the intersection adjacent to the Premises on report of several gunshots at the "After-Hours Spot." Officers responded and found more than two hundred vehicles and several hundred people at 754 Harmon Avenue.

11. Also on February 26, 2023, at 2:23AM, CPD officers spoke with the “promoter” of the club at 754 Harmon Avenue, who identified himself as Respondent-Defendant Warren Dorelien. Mr. Dorelien stated that the location was a “party center” and the capacity was 1000 people.
12. On February 26, 2023, at 3:05AM officers were checking vehicles in the parking lot and found several vehicles with guns in plain view. One vehicle had three firearms in plain view. In total, officers found six vehicles with a total of eight handguns in plain view in the area surround the Premises.
13. While at the Premises on February 26, 2023, officers observed a large amount of alcohol everywhere and security was charging a fee to enter the Premises. Officers also observed women engaging in exotic dancing.
14. On February 26, 2023, Columbus Division of Fire (“CFD”) Firefighter Hawthorn responded and witnessed the overcrowding at the Premises with several hundred patrons inside the building. Firefighter Hawthorn observed a wall had collapsed, there were several fire code violations, and the Premises did not have a permit for occupancy. Firefighter Hawthorn determined the situation was unsafe and the patrons needed to leave at 3:40AM. Shortly after it was determined that patrons needed to leave the Premises, a large fight started inside. Security officers began spraying the crowd with pepper spray causing a panic. At 3:57 AM, officers heard several gunshots from 754 Harmon Avenue resulting in officers airing an “Officer-in-Trouble” call for additional backup. Sergeant Knox witnessed a suspect throw a gun under a vehicle after the gunshots were heard at the Premises. Officers attempted to engage with the suspect which resulted in a pursuit involving a Dodge Charger after it refused to stop.

The vehicle crashed in the area of Mound Street and Central Avenue causing critical injuries.

15. On March 3, 2023, Respondent-Defendant, Warren Dorelien, advertised another event at the Premises on his social media page. The promotion again advertised the event as BYOB with a special deal of a \$10.00 entry fee for ladies before 3:00AM.
16. In the early morning hours of March 5, 2023, Officers observed at least fifty cars in the area around 754 Harmon Avenue. Shortly before 3:30AM, several tow trucks showed up to start removing vehicles from the surrounding property. The imminent towing of vehicles sparked a mass exodus and as cars were leaving, officers heard shots fired. At 3:30, officers were aired to the intersection of Souder Avenue and West Mound Street, which is approximately ¼ mile from the Premises, on a report of a shooting. The officers found three victims near the intersection of Hawkes Avenue and West Mound Street. Two of the victims died from their injuries.
17. Respondent-Defendant Warren Dorelien, posted on his social media page advertising a "March Madness, Strip Battle." The event is scheduled for March 18, 2023 at 754 Harmon Avenue (*Exhibit G*).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

18. Relator has established by clear and convincing evidence that the illegal/unsafe activity occurring at the Premises continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further **ORDER** of this Court that all occupants of the Premises be forcibly removed from the Premises at 754 Harmon Avenue forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the ~~residence~~ ^{structure}. Said occupants may be forcibly detained during the execution of this order.

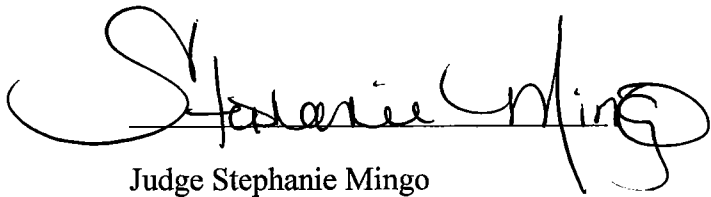
Furthermore, on March 9, 2023, the structure at 754 Harmon Avenue shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. All other commercial buildings on the Premises may remain open under normal business operations. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or areas of 742-760 Harmon Avenue between the hours of 9:00PM and 5:00AM.

19. It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor. The Columbus Division of Police is hereby authorized to remove any person found on the Premises between the hours of 9:00PM and 6:00AM.
20. It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.
21. This case is continued for further Permanent Injunction Hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on 3-20-23 at

9:00 A. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

22. This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement.

SO ORDERED.


Judge Stephanie Mingo

3-9-23
Date